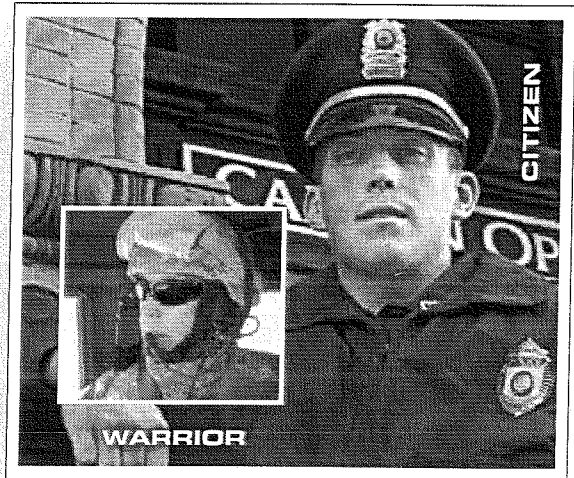


USERRA QUESTIONS continued

(24) ARE THERE ANY EXCEPTIONS TO USERRA'S FIVE-YEAR SERVICE LIMIT?

USERRA creates the following exceptions to the five-year limit on service in the uniformed services:

- Service that is required beyond five years to complete an initial period of obligated service. Some military specialties require an individual to serve more than five years because of the amount of time or expense involved in training. If the employee works in one of those specialties, he or she has reemployment rights when the initial period of obligated service is completed.
- If the employee was unable to obtain orders releasing him or her from service in the uniformed services before the expiration of the five-year period, and the inability was not the employee's fault.
- Service performed to fulfill periodic National Guard and Reserve training requirements and includes service performed to fulfill additional training requirements determined and certified by a proper military authority as necessary for the employee's professional development, or to complete skill training or retraining.
- Service performed in a uniformed service if he or she was ordered to or retained on active duty under the following circumstances:
 - Involuntary active duty by a military retiree;
 - Involuntary active duty in wartime;
 - Retention on active duty while in captive status;
 - Involuntary active duty during a national emergency;
 - Involuntary active duty for an operational mission, involuntary retention on active duty of a critical person during time of crisis or other specific conditions;
 - Involuntary active duty by Coast Guard Reserve member for natural or man-made disasters;
 - Service performed in a uniformed service if the employee was ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;
 - Service performed in a uniformed service if the employee was ordered to active duty in support of a critical mission or requirement of the uniformed services as determined by the Secretary concerned; and service performed as a member of the National Guard if the employee was called to respond to an invasion, danger of invasion, rebellion, danger of rebellion, insurrection, or the inability of the President with regular forces to execute the laws of the United States.



(25) WHAT IS THE EMPLOYEE'S STATUS WITH HIS OR HER CIVILIAN EMPLOYER WHILE PERFORMING MILITARY SERVICE?

The employee is deemed to be on furlough or leave of absence from the civilian employer while performing military duty. In this status, the employee is entitled to the non-seniority rights and benefits generally provided by the employer to other employees with similar seniority, status, and pay that are on furlough or leave of absence. Entitlement to these non-seniority rights and benefits is not dependent on how the employer characterizes the employee's status during a period of service.